

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATION  
REPORTED IN F.N.J. NOS. 25151-25250**

*Adulteration*, Section 402(a) (2), the article, in one case, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; and, in three cases, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; or such tolerance had been so prescribed, and the quantity of the pesticide chemical was in excess of the tolerance.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(c), the article was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(h), the article purported to be and was represented as a food for which (1) a standard of quality or (2) a standard of fill of container had been prescribed by regulations and the article fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the food; and (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses; Section 403(k), the article contained an artificial flavoring, and it failed to bear labeling stating that fact.

## **BEVERAGES AND BEVERAGE MATERIALS**

25151. Wine. (F.D.C. No. 42054. S. No. 23-905 P.)

QUANTITY: 82 cases, 12 btls. each, at Los Angeles, Calif.

SHIPPED: 4-28-58, from Paris, France.

RESULTS OF INVESTIGATION: The article represented a portion of a shipment which was stored in the hold of the SS Loch Garth. The storage area had flooded when the ship's water main broke, immersing the article in dirty water.

Examination showed that the article was contained in water-damaged cases, bottles, and jugs.

**LIBELED:** 7-24-58, S. Dist. Calif.

**CHARGE:** 402(a)(4)—held under insanitary conditions whereby the article may have become contaminated with filth due to having been immersed in dirty water.

**DISPOSITION:** 8-14-58. Default—destruction.

**25152. Carbonated grape wine.** (F.D.C. No. 42052. S. No. 23-691 P.)

**QUANTITY:** 72 cases, 12  $\frac{1}{2}$ -qt. jugs each, at Los Angeles, Calif.

**SHIPPED:** 2-28-58, from Rotterdam, Holland.

**LABEL IN PART:** (Jug) "Product of Portugal — Lancers A Rose Carbonated Grape Wine Vintage 1953 — Lisbon, Portugal."

RESULTS OF INVESTIGATION: The article represented the damaged portion of a lot of 222 cases which was stored in the hold of the SS Loch Garth. The article was stored upright and upside down in a locker which was flooded by water from a broken ship waterline, resulting in the cases being immersed in blackened, floor-washed water.

Examination showed that some of the cases were completely water-soaked and falling apart. Some of the bottles were covered with a black slime, labels were damaged, mold had grown over the bottles and around the necks, and some of the lead seals around the top of the bottles were loose.

**LIBELED:** 7-23-58, S. Dist. Calif.

**CHARGE:** 402(a)(3)—the article was unfit for food by reason of having been contaminated with dirty water; and 402(a)(4)—the article had been held under insanitary conditions due to having been immersed in dirty water.

**DISPOSITION:** 8-27-58. Default—destruction.

**25153. Carbonated grape wine.** (F.D.C. No. 42053. S. No. 23-904 P.)

**QUANTITY:** 22 cases, 12  $\frac{1}{2}$ -qt. jugs each, and 3 cases, 24  $\frac{1}{2}$ -pt. btl. each, at Los Angeles, Calif.

**SHIPPED:** 4-28-58, from Lisbon, Portugal.

**LABEL IN PART:** (Jug and btl.) "Product of Portugal—Lancers A Rose Carbonated Grape Wine—Vintage 1953—Lisbon, Portugal."

RESULTS OF INVESTIGATION: The article represented a portion of a shipment which was stored in the hold of the SS Loch Garth. The storage area was flooded when a ship's water main broke, immersing the article in dirty water.

Examination showed that the article was contained in water-damaged cases, bottles, and jugs.

**LIBELED:** 7-24-58, S. Dist. Calif.

**CHARGE:** 402(a)(4)—the article had been held under insanitary conditions due to having been immersed in dirty water.

**DISPOSITION:** 8-27-58. Default—destruction.

**25154. Coffee.** (F.D.C. No. 41547. S. No. 1-176 P.)

**QUANTITY:** 382 1-lb. cans at Columbia, S.C.